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March 31, 2011

Mr. Corbin Davis
Supreme Court Clerk
PO Box 30052
Lansing, MI 48909

RE: ADM File No. 2008-28
Proposed Amendment of Rule 6.005 of the Michigan Court Rules

Dear Mr. Davis,

I write to support the proposed changes to MCR 6.005. The amendments to MCR 6.005(H) properly define a trial lawyer's responsibility as to interlocutory appeals. I would suggest that the proposed change should apply equally to retained counsel.

On April 1, 2010, the State Appellate Defender Office submitted a series of proposed court rule changes to the Michigan Supreme Court. SADO submitted almost the identical addition to MCR 6.005(H) that Mr. Baughman suggests in his comment to this court rule proposal. A requirement that trial lawyers provide discovery and the contents of their file to appellate lawyers is one that appellate prosecutors and defense lawyers both strongly support. Like Mr. Baughman, SADO urges the future adoption of this proposal.

I would add that SADO's submission also included an amendment to MCR 7.210(C) requiring the trial court to retain documentary, photographic, or audio exhibits upon filing of a claim of appeal. Amending MCR 6.005(H) to require trial attorneys to turn over information to appellate counsel, in tandem with an amendment to MCR 7.210(C) for trial courts to retain exhibits, would best preserve necessary evidence for the direct appeal.

Thank you for your consideration.

Sincerely,

Dawn Van Hoek
Director